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EXAMINER

AKLILU, KIRUBEL

ART UNIT

PAPER NUMBER

2614

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/872,258

Applicant(s)

FEUER ET AL.

Examiner

Kirubel Aklilu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/30/02</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ebisawa (U.S. Patent # 6,611,957) in view of Eldering et al. (U.S. Patent # 6,820,277).

1. As for **Claim 1**, Ebisawa teaches a networked computer broadcasting system with provision for delivering broadcasts and also advertisements or other messages to individual users, said system comprising:

a tuner software system designed to be installed within the computers of users who wish to receive broadcasts over the network and including a broadcast reception component that can receive a broadcast from the network and present it to the user (see Ebisawa col. 3 lines 20-28 "A receiving side system for receiving digital data distributed by exploiting a broadcast system, according to the present invention, is such a system which includes receiver means for receiving the digital data and a game machine connected to the receiver means and capable of running the software. The game software is prohibited from starting in the game machine until the software start

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enable signal is received by the receiver means. In this case, the data for substitution or insertion may be commercial ads.”);

However, Ebisawa does not expressly teach a user demographic information gathering component of the tuner software system that can ask the user to provide demographic information and that can store this information locally under such control that it cannot readily be gathered centrally and combined with user identification information in such a manner as to raise individual privacy concerns. In the same field of endeavor, Eldering et al. teach an advertisement management system for digital video streams wherein a user demographic information gathering component that asks the user to provide demographic information and can be stored locally under such control that it cannot readily be gathered centrally and combined with user identification in such a manner to cause individual privacy concerns (see Eldering et al. col. 2 lines 25-30 “The present invention is a method and apparatus for the managing advertisements in a digital environment, including methods for selecting suitable advertising based on subscriber profiles, and substituting advertisements in a program stream with targeted advertisements.” And fig. 1 unit 108 Subscriber Characterization module col. 4 line 21- col. 5 line 5 “The subscriber characterization module 108 allows for the collection of subscriber data. The subscriber data can be collected from a variety of sources including private databases external to the system or public databases that contain information relevant to the subscriber . . . Private data can also be amassed and can include specific viewing habits or purchase records of the subscriber. Alternatively, the subscriber may complete questionnaires and forms that

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indicate lifestyle, product preference and previous purchases. All the available private and public information is used by the subscriber characterization module 108 for characterizing one or more subscribers." And col. 2 lines 57-63 "Another key aspect of the present invention is one or more privacy features wherein the raw consumer/subscriber data is maintained private on a Secured Correlation Server (SCS). The raw consumer/subscriber data is not available for sale or is not accessible by third parties. Thus, the AMS forms part of a matching service, in which advertisers work in conjunction with subscribers, profilers (such as video surfstream profilers, Internet profilers, and retail outlets), and network operators to allow subscribers to receive more targeted ads while protecting the privacy of the subscribers." And col. 7 lines 11-21 "In an SDV mode, the operator is presented with a subscriber information interface. By utilizing this interface, the system is capable of retrieving (based on a unique subscriber ID) demographic and product preference characteristics for each subscriber/household. Generally, to protect privacy, the subscriber private information is not used in the subscriber ID, therefore the subscriber is not identifiable by the ID. The demographic and product preference characteristics may be stored locally or may be stored in one or more network databases configured to directly communicate with the AMS 100." Subscriber Characterization module 108 is interpreted to be a user demographic information gathering component that stores the individual's demographic information locally under such control as to not raise privacy concerns.) In light of the teaching of Eldering et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Ebisawa to have a user demographic

information gathering component along with the tuner software that can gather and store the user's demographic information locally so as not to cause privacy concern and to use this demographic information to target advertisements specific to individual households. One of ordinary skill in the art would have been motivated to do this in order to protect the privacy of individual users and provide the users with advertisement that is of interest to them (see Eldering et al. col. 2 lines 11-15 "the advertisements are targeted at subscribers based on a determination that the advertisement will be of interest to the subscriber and that the subscriber is likely to ultimately purchase the product or service being advertised.");

The modified Ebisawa in view of Eldering et al. teaches advertisements or other messages at least some of which are associated with demographic information (see Eldering et al. col. Col. 2 lines 25-29 "The present invention is a method and apparatus for the managing advertisements in a digital environment, including methods for selecting suitable advertising based on subscriber profiles, and substituting advertisements in a program stream with targeted advertisements." And col. 9 lines 6-10 "The advertiser/ad source then transmits the actual contents of the advertisement. The contents are then placed in a suitable format and sent to the ad insertion module 114 for insertion into the actual program streams (set of program signals)."); and

The modified Ebisawa in view of Eldering et al. teaches a message presentation system associated with the tuner software system, that can selectively present advertisements or other messages to the user, comparing the demographic information provided by each user with that associated with at least some of the advertisements or

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other messages and then presenting to the user those advertisements or other messages having demographic information most closely matched to the demographic information provided by each user (see Eldering et al. col. 2 lines 25-57 "The Ad Management System (AMS) of the present invention manages the sales and insertion of digital video advertisements (hereinafter "ads") in telecommunications systems, such as cable television (CATV), switched digital video (SDV), and streaming video (Internet) based environments. The AMS provides advertisers an ability to describe their advertisements in terms of target market demographics, required ad bandwidth, ad duration, and other ad specific parameters. The AMS receives the ad descriptions that include some or all of the aforementioned parameters, and matches the ads to the advertising opportunities ("avails") available in the programming stream. The AMS tracks different avails including duration and bandwidth of the avail, and uses a number of schemes to determine if the ad can be placed in the avail.").

2. As for **Claim 2**, the modified Ebisawa in view of Eldering et al. teaches the message presentation system includes:

a multimedia advertisement or other message server containing advertisements or other messages at least some of which are associated with demographics (see Eldering et al. col. 9 lines 4-9 "Once the bidding process is complete, the avail sales/auctioning module 112 transmits an acceptance notification to the requesting advertiser/ad source. The advertiser/ad source then transmits the actual contents of the advertisement. The contents are then placed in a suitable format and sent to the ad

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insertion module 114 for insertion into the actual program streams (set of program signals).” The advertiser/ad source is interpreted to be a multimedia advertisement server);

an advertisement or message request component of said tuner software system that requests an advertisement or other message from said multimedia advertisement or other message server and that transmits to said server, along with request, the user demographic information not including any user identity information (see Eldering et al. fig. 1 unit 112 Avail Sales/Auctioning module and col. 8 lines 34-67 “the avail sales/auctioning module 112 announces the avail opportunities to various advertisers and ad sources. This announcement may be made via the Internet. Advertisers/ad sources receive the announcement and respond with one or more ad characteristics that include information regarding the product/service advertised, target market characteristics, target programs, duration of the advertisement, and minimum bandwidth required to transmit the advertisement . . . Once information regarding the advertising opportunities has been transmitted to the advertisers/ad sources, the advertisers/ad sources may submit appropriate bid/bids for the advertisement. The avail sales/auctioning module 112 receives the bids, and after evaluation either accepts the bids or declines the bids. . . Once the bidding process is complete, the avail sales/auctioning module 112 transmits an acceptance notification to the requesting advertiser/ad source. The advertiser/ad source then transmits the actual contents of the advertisement. The contents are then placed in a suitable format and sent to the ad insertion module 114 for insertion into the actual program streams (set of program



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signals).” When the Avail sales/auctioning module offers the advertisement sources to place a bid on avail opportunity, it is interpreted that the avail sales/auctioning module is requesting advertisement from the advertisement server and also provides demographic information not including any user identity information when sending information the avail opportunities to the advertisement sources);

the multimedia advertisement or other message server, in response to such a request, normally returns the requested advertisement or other message (see Eldering et al. col. 9 lines 4-11 “The advertiser/ad source then transmits the actual contents of the advertisement. The contents are then placed in a suitable format and sent to the ad insertion module 114 for insertion into the actual program streams (set of program signals). These program streams may be Internet web traffic or television programming.”); and

if the requested advertisement or other message corresponds to a set of advertisements or other messages associated with demographic information, the multimedia advertisement or other message server performs the message presentation system comparison and then returns the advertisement or other message most closely matched to the demographic information provided by each user (see Eldering et al. col. 7 line 40 – col. 8 line 12 “The correlation module 110 correlates the ad characterization vectors with the subscriber/node characterization vectors to produce a demographic correlation, and also correlates the ad characterization vectors with the avail characterization vectors to produce an avail correlation . . . The avail sales/auctioning module 112 utilizes information regarding the avail opportunities in conjunction with the

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results of the correlation to match advertisements with avails and to complete the transaction . . . Based on the collected information, the avail sales/auctioning module 112 displays, in a graphical representation, correlations between a proposed advertisement and the various subscribers." The correlation module uses user demographic information to find the correlation between the avails and user demographic to present bidding opportunities to the avail sales/ auctioning module. Therefore, it is interpreted that message server returns advertisements and messages most closely related to demographic information provided by the user because the message server uses the correlation information that it is provided to decide what type of advertisements to transmit).

3. As for **Claim 3**, the modified Ebisawa in view of Eldering et al. teaches the gathered demographic information comprises the user's age and geographic location (see Eldering et al. fig. 2A and 2B col. 4 lines 46-62 "The specific targeting can also be based on public information such as median home prices or starter home prices. These prices can be further associated with zip codes, as shown in FIGS. 2A and 2B. . . The publicly available data is not restricted to real estate data, as illustrated in FIGS. 2 and 3, but can include a variety of demographic data including median household age, household income, race and other characteristics which can be determined on a group or individual level."). Neither Ebisawa nor Eldering et al. teach the demographic information comprises the user's gender. However, Official Notice (MPEP § 2144.03) is taken the both the concept and advantage of user's gender as part of demographic

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information is well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have the demographic information also comprise the user's gender in order to target advertisement to viewers based on their gender.

4. As for **Claim 4**, the modified Ebisawa in view of Eldering et al. teaches the geographic location is specified as a zip code (see Eldering et al. fig. 2A and 2B col. 4 lines 46-62 "The specific targeting can also be based on public information such as median home prices or starter home prices. These prices can be further associated with **zip codes**, as shown in FIGS. 2A and 2B").

5. As for **Claim 5**, the modified Ebisawa in view of Eldering et al. teaches the multimedia advertisement or other message server is able to transform zip code information into region of the country information (see Eldering et al. fig. 2A and 2B col. 4 lines 46-62 "The specific targeting can also be based on public information such as median home prices or starter home prices. These prices can be further associated with zip codes, as shown in FIGS. 2A and 2B). Fig. 2B shows zip code and its corresponding city. Therefore, it is interpreted that multimedia advertisement or other message server is able to transform zip code information into region of the country information.

6. As for **Claim 6**, the modified Ebisawa in view of Eldering et al. teaches a broadcasting system that broadcasts over the network to computers containing the tuner software system which have been enabled by their users to receive a broadcast (see Ebisawa col. 2 lines 59-67 "A broadcast system according to the present invention is such a system capable of distributing digital data, in which, in a receiving side system, software start enable signals are repeatedly sent to a receiving side system at an interval and in which an identification signal for the software and data for substitution or insertion for a portion of the data during operation of the software are distributed in an interval between the software start enable signals. In this case, the data for substitution or insertion may be commercial ads.");

and which also includes a network signaling mechanism that signals over the network to computers containing the tuner software system and receiving a broadcast, the signals informing such computers of when advertisements or other information will appear within a broadcast and also the identity of such advertisements and other information (see Ebisawa col. 3 lines 5-15 "A transmitting side system distributing the digital data by exploiting the broadcast system, according to the present invention, is such a system in which a **software start enable signal**, an identification signal for a software started in the receiving side system and data for substitution or insertion for a portion of the data during operation of the software are stored in a storage device, the software start enable signal is sent to the receiving side system and the software identification signal and the data for substitution or insertion are sent in an interval between the software start enable signals. In this case, the data for substitution or

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insertion may be commercial ads.” The software start enable signal is interpreted to be a network signaling mechanism).

7. As for **Claim 7**, the modified Ebisawa in view of Eldering et al. teaches the broadcasting system receives commands from a producer system to have messages presented to the users and receives commands from broadcast signals to have advertisements presented to the users, and wherein at least some of these commands cause the network signaling mechanism to signal the tuner software systems accordingly to make these presentations (see Ebisawa col. 9 lines 42-59 “The signals sent over the satellite 22 or cable 23, such as new CM data, are selected by the tuner 25 in the set top box 51, so as to be then QPSK demodulated or QAM demodulated by the QAM/QPSK decoder 26 in a reversed manner from the case of the processing during modulation. The demodulated signals are then deinterleaved by a deinterleaver 27 and demodulated for the Reed-Solomon code by the RS decoder 28. The resulting video and audio signals of the usual broadcast program, independent of the game software, are demodulated by the MPEG decoder 29 for restoration to the video and audio signals. The new CM data or the like for the game dedicated machine, are passed through a data decoder 69, which forms a pair with the transmitting side data encoder 14 of FIG. 3, so as to be supplied via serial interface 30 to the game dedicated machine 52. The data received by the receiver 32 of the game dedicated machine 52 is stored in the buffer RAM 31 adapted for absorbing the difference in the transfer rate inside and outside the game dedicated machine.”).

8. As for **Claim 8**, the modified Ebisawa in view of Eldering et al. teaches the message presentation system includes:

a multimedia advertisement or other message server containing advertisements or other messages at least some of which are associated with demographics (see Eldering et al. col. 9 lines 4-9 "Once the bidding process is complete, the avail sales/auctioning module 112 transmits an acceptance notification to the requesting advertiser/ad source. The advertiser/ad source then transmits the actual contents of the advertisement. The contents are then placed in a suitable format and sent to the ad insertion module 114 for insertion into the actual program streams (set of program signals)." The advertiser/ad source is interpreted to be a multimedia advertisement server);

an advertisement or message request component of said tuner software system that requests an advertisement or other message from said multimedia advertisement or other message server and that transmits to said server, along with request, the user demographic information not including any user identity information (see Eldering et al. fig. 1 unit 112 Avail Sales/Auctioning module and col. 8 lines 34-67 "the avail sales/auctioning module 112 announces the avail opportunities to various advertisers and ad sources. This announcement may be made via the Internet. Advertisers/ad sources receive the announcement and respond with one or more ad characteristics that include information regarding the product/service advertised, target market characteristics, target programs, duration of the advertisement, and minimum bandwidth

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required to transmit the advertisement . . . Once information regarding the advertising opportunities has been transmitted to the advertisers/ad sources, the advertisers/ad sources may submit appropriate bid/bids for the advertisement. The avail sales/auctioning module 112 receives the bids, and after evaluation either accepts the bids or declines the bids. . . Once the bidding process is complete, the avail sales/auctioning module 112 transmits an acceptance notification to the requesting advertiser/ad source. The advertiser/ad source then transmits the actual contents of the advertisement. The contents are then placed in a suitable format and sent to the ad insertion module 114 for insertion into the actual program streams (set of program signals).” When the Avail sales/auctioning module offers the advertisement sources to place a bid on avail opportunity, it is interpreted that the avail sales/auctioning module is requesting advertisement from the advertisement server and also provides demographic information not including any user identity information when sending information the avail opportunities to the advertisement sources);

the multimedia advertisement or other message server, in response to such a request, normally returns the requested advertisement or other message (see Eldering et al. col. 9 lines 4-11 “The advertiser/ad source then transmits the actual contents of the advertisement. The contents are then placed in a suitable format and sent to the ad insertion module 114 for insertion into the actual program streams (set of program signals). These program streams may be Internet web traffic or television programming.”); and

if the requested advertisement or other message corresponds to a set of advertisements or other messages associated with demographic information, the multimedia advertisement or other message server performs the message presentation system comparison and then returns the advertisement or other message most closely matched to the demographic information provided by each user (see Eldering et al. col. 7 line 40 – col. 8 line 12 “The correlation module 110 correlates the ad characterization vectors with the subscriber/node characterization vectors to produce a demographic correlation, and also correlates the ad characterization vectors with the avail characterization vectors to produce an avail correlation . . . The avail sales/auctioning module 112 utilizes information regarding the avail opportunities in conjunction with the results of the correlation to match advertisements with avails and to complete the transaction . . . Based on the collected information, the avail sales/auctioning module 112 displays, in a graphical representation, correlations between a proposed advertisement and the various subscribers.” The correlation module uses user demographic information to find the correlation between the avails and user demographic to present bidding opportunities to the avail sales/ auctioning module. Therefore, it is interpreted that message server returns advertisements and messages most closely related to demographic information provided by the user because the message server uses the correlation information that it is provided to decide what type of advertisements to transmit).



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9. As for **Claim 9**, the modified Ebisawa in view of Eldering et al. teaches the gathered demographic information comprises the user's age and geographic location (see Eldering et al. fig. 2A and 2B col. 4 lines 46-62 "The specific targeting can also be based on public information such as median home prices or starter home prices. These prices can be further associated with zip codes, as shown in FIGS. 2A and 2B. . . The publicly available data is not restricted to real estate data, as illustrated in FIGS. 2 and 3, but can include a variety of demographic data including median household age, household income, race and other characteristics which can be determined on a group or individual level.") Neither Ebisawa nor Eldering et al. teach the demographic information comprises the user's gender. However, Official Notice (MPEP § 2144.03) is taken to the both the concept and advantage of user's gender as part of demographic information is well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have the demographic information also comprise the user's gender in order to target advertisement to viewers based on their gender.

10. As for **Claim 10**, the modified Ebisawa in view of Eldering et al. teaches the geographic location is specified as a zip code (see Eldering et al. fig. 2A and 2B col. 4 lines 46-62 "The specific targeting can also be based on public information such as median home prices or starter home prices. These prices can be further associated with **zip codes**, as shown in FIGS. 2A and 2B").

11. As for **Claim 11**, the modified Ebisawa in view of Eldering et al. teaches the multimedia advertisement or other message server is able to transform zip code information into region of the country information (see Eldering et al. fig. 2A and 2B col. 4 lines 46-62 "The specific targeting can also be based on public information such as median home prices or starter home prices. These prices can be further associated with zip codes, as shown in FIGS. 2A and 2B. Fig. 2B shows zip code and its corresponding city. Therefore, it is interpreted that multimedia advertisement or other message server is able to transform zip code information into region of the country information.)

12. As for **Claim 12**, the modified Ebisawa in view of Eldering et al. teaches the broadcasting system includes an advertisement or other message insertion system that can replace portions of the broadcast, or insert into the broadcast, advertisements or other messages (see Ebisawa col. 3 lines 20-29 "A receiving side system capable of receiving and transmitting digital data by exploiting the communication system, according to the present invention, includes communication function means and a game machine capable of operating a software item. The game machine transmits, on starting the software, an identification signal for the software adapted for starting, to a transmitting side system, the starting of the software being inhibited until acceptance of the software start enable signal sent next. In this case, **the data for substitution or insertion may be commercial ads.**").

13. As for **Claim 13**, the modified Ebisawa in view of Eldering et al. teaches the broadcasting system receives commands from a producer system to have the tuner software systems present messages to the users and receives commands from broadcast signals to have the tuner software systems present advertisements to the users, and wherein at least some of these commands cause the network signaling mechanism to signal the tuner software systems accordingly, while other of these commands cause the broadcasting system's advertisement or other message insertion system to replace portions of the broadcast, or insert into the broadcast, advertisements or other messages (see Ebisawa col. 9 line 42 – col. 10 line 5 “The signals sent over the satellite 22 or cable 23, such as new CM data, are selected by the tuner 25 in the set top box 51, so as to be then QPSK demodulated or QAM demodulated by the QAM/QPSK decoder 26 in a reversed manner from the case of the processing during modulation. The demodulated signals are then deinterleaved by a deinterleaver 27 and demodulated for the Reed-Solomon code by the RS decoder 28. The resulting video and audio signals of the usual broadcast program, independent of the game software, are demodulated by the MPEG decoder 29 for restoration to the video and audio signals . The new CM data or the like for the game dedicated machine, are passed through a data decoder 69, which forms a pair with the transmitting side data encoder 14 of FIG. 3, so as to be supplied via serial interface 30 to the game dedicated machine 52. The data received by the receiver 32 of the game dedicated machine 52 is stored in the

buffer RAM 31 adapted for absorbing the difference in the transfer rate inside and outside the game dedicated machine.”).

14. As for **Claim 14**, the modified Ebisawa in view of Eldering et al. teaches the message presentation system includes:

a multimedia advertisement or other message server containing advertisements or other messages at least some of which are associated with demographics (see Eldering et al. col. 9 lines 4-9 “Once the bidding process is complete, the avail sales/auctioning module 112 transmits an acceptance notification to the requesting advertiser/ad source. The advertiser/ad source then transmits the actual contents of the advertisement. The contents are then placed in a suitable format and sent to the ad insertion module 114 for insertion into the actual program streams (set of program signals).” The advertiser/ad source is interpreted to be a multimedia advertisement server);

an advertisement or message request component of said tuner software system that requests an advertisement or other message from said multimedia advertisement or other message server and that transmits to said server, along with request, the user demographic information not including any user identity information (see Eldering et al. fig. 1 unit 112 Avail Sales/Auctioning module and col. 8 lines 34-67 “the avail sales/auctioning module 112 announces the avail opportunities to various advertisers and ad sources. This announcement may be made via the Internet. Advertisers/ad sources receive the announcement and respond with one or more ad characteristics

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that include information regarding the product/service advertised, target market characteristics, target programs, duration of the advertisement, and minimum bandwidth required to transmit the advertisement . . . Once information regarding the advertising opportunities has been transmitted to the advertisers/ad sources, the advertisers/ad sources may submit appropriate bid/bids for the advertisement. The avail sales/auctioning module 112 receives the bids, and after evaluation either accepts the bids or declines the bids. . . Once the bidding process is complete, the avail sales/auctioning module 112 transmits an acceptance notification to the requesting advertiser/ad source. The advertiser/ad source then transmits the actual contents of the advertisement. The contents are then placed in a suitable format and sent to the ad insertion module 114 for insertion into the actual program streams (set of program signals)." When the Avail sales/auctioning module offers the advertisement sources to place a bid on avail opportunity, it is interpreted that the avail sales/auctioning module is requesting advertisement from the advertisement server and also provides demographic information not including any user identity information when sending information the avail opportunities to the advertisement sources);

the multimedia advertisement or other message server, in response to such a request, normally returns the requested advertisement or other message (see Eldering et al. col. 9 lines 4-11 "The advertiser/ad source then transmits the actual contents of the advertisement. The contents are then placed in a suitable format and sent to the ad insertion module 114 for insertion into the actual program streams (set of program

signals). These program streams may be Internet web traffic or television programming.”); and

if the requested advertisement or other message corresponds to a set of advertisements or other messages associated with demographic information, the multimedia advertisement or other message server performs the message presentation system comparison and then returns the advertisement or other message most closely matched to the demographic information provided by each user (see Eldering et al. col. 7 line 40 – col. 8 line 12 “The correlation module 110 correlates the ad characterization vectors with the subscriber/node characterization vectors to produce a demographic correlation, and also correlates the ad characterization vectors with the avail characterization vectors to produce an avail correlation . . . The avail sales/auctioning module 112 utilizes information regarding the avail opportunities in conjunction with the results of the correlation to match advertisements with avails and to complete the transaction . . . Based on the collected information, the avail sales/auctioning module 112 displays, in a graphical representation, correlations between a proposed advertisement and the various subscribers.” The correlation module uses user demographic information to find the correlation between the avails and user demographic to present bidding opportunities to the avail sales/ auctioning module. Therefore, it is interpreted that message server returns advertisements and messages most closely related to demographic information provided by the user because the message server uses the correlation information that it is provided to decide what type of advertisements to transmit).

15. As for **Claim 15**, the modified Ebisawa in view of Eldering et al. teaches the gathered demographic information comprises the user's age and geographic location (see Eldering et al. fig. 2A and 2B col. 4 lines 46-62 "The specific targeting can also be based on public information such as median home prices or starter home prices. These prices can be further associated with zip codes, as shown in FIGS. 2A and 2B. . . The publicly available data is not restricted to real estate data, as illustrated in FIGS. 2 and 3, but can include a variety of demographic data including median household age, household income, race and other characteristics which can be determined on a group or individual level.") Neither Ebisawa nor Eldering et al. teach the demographic information comprises the user's gender. However, Official Notice (MPEP § 2144.03) is taken to be both the concept and advantage of user's gender as part of demographic information is well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have the demographic information also comprise the user's gender in order to target advertisement to viewers based on their gender.

16. As for **Claim 16**, the modified Ebisawa in view of Eldering et al. teaches the geographic location is specified as a zip code (see Eldering et al. fig. 2A and 2B col. 4 lines 46-62 "The specific targeting can also be based on public information such as

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median home prices or starter home prices. These prices can be further associated with **zip codes**, as shown in FIGS. 2A and 2B”).

17. As for **Claim 17**, the modified Ebisawa in view of Eldering et al. teaches the multimedia advertisement or other message server is able to transform zip code information into region of the country information (see Eldering et al. fig. 2A and 2B col. 4 lines 46-62 “The specific targeting can also be based on public information such has median home prices or starter home prices. These prices can be further associated with zip codes, as shown in FIGS. 2A and 2B. Fig. 2B shows zip code and its corresponding city. Therefore, it is interpreted that multimedia advertisement or other message server is able to transform zip code information into region of the country information.)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirubel Aklilu whose telephone number is 571-272-7342. The examiner can normally be reached on 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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PRIMARY EXAMINER